

TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

vs.

MATT DENNIS MCCURRIN  
TX-1334785-R

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DOCKETED COMPLAINT NO. 12-010

**AGREED FINAL ORDER**

On this the 13 day of JAN, 2012, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the certification of Matt Dennis McCurrin (Respondent).

In order to conclude this matter Matt Dennis McCurrin neither admits nor denies the truth of the Findings of Fact and Conclusions of Law contained herein and further agrees to the disciplinary action set out in this Agreed Final Order. The Board makes the following findings of fact and conclusions of law and enters this Order in accordance with TEX. OCC. CODE § 1103.458:

**FINDINGS OF FACT**

1. Respondent, Matt Dennis McCurrin, is a state certified residential real estate appraiser who currently holds and held certification number TX-1334785-R during all times material to the above-noted complaint cases.
2. Respondent appraised 3384 FM 934, Itasca, Texas 76055 ("the property") on or about August 18<sup>th</sup>, 2011.
3. On or about September 1<sup>st</sup>, 2011, a complaint was filed with the Board based on allegations that the Respondent produced appraisal reports that contained violations of the Uniform Standards of Professional Appraisal Practice.
4. On or about September 21<sup>st</sup>, 2011, the Board, in accordance with the mandate of the Administrative Procedure Act (the APA), TEX. GOV'T CODE ANN. CHPT. 2001, and TEX. OCC. CODE CHPT. 1103, notified Respondent of the nature of the accusations involved and Respondent was afforded an opportunity to respond to the accusations in the complaint. Respondent's response to the complaint was received.
5. Respondent committed the following acts or omissions which did not conform to USPAP in effect at the time of the appraisal report for the property:
  - a) Respondent failed to comply with the record-keeping provisions of the USPAP Ethics Rule and the did not comply with the Scope of Work Rule;

- b) Respondent failed to identify and report the site description adequately;
- c) Respondent failed to identify and analyze the effect on use and value of existing land use regulations, economic supply and demand, physical adaptability of the real estate and market area trends;
- d) Respondent failed to collect, verify, analyze and reconcile the cost new of improvements and comparable sales data adequately;
- e) Respondent failed to employ recognized methods and techniques in the cost approach and sales comparison approach;
- f) Respondent's report contains substantial errors of commission or omission as detailed above which resulted in a misleading appraisal report for the property.

## CONCLUSIONS OF LAW

1. The Texas Appraiser Licensing and Certification Board has jurisdiction over this matter pursuant to the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE § 1103 et. seq.
2. Respondent violated the following provisions of USPAP as prohibited by TEX. OCC. CODE § 1103.405 and 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(3): USPAP Ethics Rule (record keeping provisions); USPAP Scope of Work Rule; USPAP Standards: 1-2(e)(i) & 2-2(b)(iii); 1-3(a) & 2-2(b)(viii); 1-4(b)(ii) & 2-2(b)(viii); 1-1(a) & 1-4(b); 1-4(a) & 2-2(b)(viii); 1-1(a) & 1-4(a); and, 1-1(b).

Based on the above findings of fact and conclusions of law, the Board **ORDERS** that the Respondent shall:

- a. Attend and complete a minimum, 15 classroom-hour course in USPAP;
- b. Within 6 months of the effective date of this order, Respondent shall complete 5 hours of in-person mentorship conducted by a certified USPAP instructor approved by the Board. Upon completion of the requisite mentorship hours, and, within 6 months of the effective date of this order, Respondent shall submit on a form provided by the Board, a signed, notarized affidavit attested by the certified USPAP instructor confirming completion of the mentorship hours; and,
- c. Comply with all future provisions of the Act, the Rules of the Board, and USPAP in the future or be subjected to further disciplinary action.

**ALL CLASSES** required by this Agreed Final Order must be classes approved by the Board and must be completed within **TWELVE MONTHS** of the date of this Order and documentation of attendance and successful completion of the educational requirements of this Order shall be delivered to the Board on or before the end of the twelve-month period indicated. None of the classes or seminars required by this Order may be taken through correspondence courses. Unless otherwise noted above, all classes must be in-class, have an exam, and Respondent must have a passing grade on the exam given in each class. None of these required classes will count toward Respondent's continuing education requirements for licensure or certification. Respondent is solely responsible for locating and scheduling classes to timely satisfy the terms of this agreement. Respondent is urged to seek out course offerings well in advance of the deadlines provided by this agreed final order to ensure timely completion of the required courses.

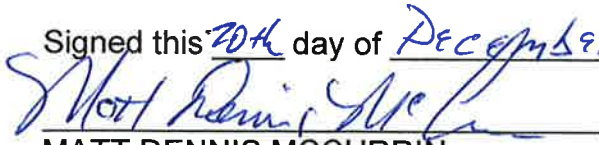
Failure to comply with any of the terms of this Agreed Final Order within the time allotted shall result in **IMMEDIATE SUSPENSION** of the Respondent's license or certification pursuant to notice to the Respondent from the Board indicating that the Respondent has not fulfilled the requirements of this Agreed Final Order.

**ANY SUCH SUSPENSION** SHALL BE EFFECTIVE WITHOUT THE NEED FOR A HEARING OR OTHER ADMINISTRATIVE DUE PROCESS UNDER THE TEXAS APPRAISER LICENSING AND CERTIFICATION ACT OR THE ADMINISTRATIVE PROCEDURE ACT, AND RESPONDENT SPECIFICALLY WAIVES ANY SUCH HEARING OR DUE PROCESS. Respondent shall be notified of any such suspension or lifting of probation by certified mail, return receipt requested, to the last known address as provided to the Board. If Respondent's certification is suspended on such a basis, the suspension shall remain in effect until such time as Respondent completes all requirements of this agreed final order and provides adequate documentation of same to the Board.

Respondent, by signing this Agreed Final Order, waives the Respondent's right to a formal hearing and any right to seek judicial review of this Agreed Final Order. Information about this Agreed Final Order is subject to public information requests and notice of this Agreed Final Order will be published on the Board's web site.

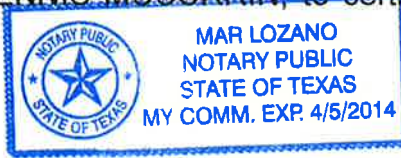
THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

Signed this 20th day of December, 2011.

  
MATT DENNIS MCCURRIN

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 20 day of December, 2011, by MATT DENNIS MCCURRIN, to certify which, witness my hand and official seal.

Mar Lozano  
Notary Public Signature



Mar Lozano  
Notary Public's Printed Name

Signed by the Standards and Enforcement Services Division this 12<sup>th</sup> day of JANUARY, 2012.

Troy Beaulieu  
Troy Beaulieu, TALCB Staff Attorney

Signed by the Commissioner this 13 day of Jan, 2012.

Douglas Oldmixon  
Douglas Oldmixon, Commissioner  
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 13 day of JAN, 2012.

Luis De La Garza  
Luis De La Garza, Chairperson  
Texas Appraiser Licensing and Certification Board